



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,682	02/01/2001	Motoshi Asano	SON-2024	3648

23353 7590 11/30/2005

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/774,682	Applicant(s) ASANO ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 7, "remaining amount" lacks clear antecedent basis.

As per claim 5, line 3, "remaining amount" lacks clear antecedent basis.

As per claim 7, line 7, "remaining amount" lacks clear antecedent basis.

As per claim 8, line 3, "remaining amount" lacks clear antecedent basis. Also, on line 6, "user" lacks clear antecedent basis. On line 8, "a management center" hints that the applicant is referring to a different management center than that previously recited on line 5. The Examiner suggests applicant to change "a" before "management center" to - -said- - to avoid this confusing.

Claims not specifically addressed are rejected based on their dependency.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al (GB 2,303,956) (hereinafter Nonaka) as stated in the prior Office action.

Applicant's representative argues that Nonaka fails to teach the step of "recording in the portable electronic device and the management center, information on a loan made to the user of the portable electronic device up to a predetermined limit when a payment amount exceeds the remaining amount of the electronic money stored in the portable electronic device".

In response, the Examiner did not state a specific condition to record information in the portable electronic device and the management center. The Examiner had indicated that the means to store information in the portable electronic device and the management center were present in Nonaka as Nonaka specifically store information related to a loan, loan amount in both the portable electronic device and the management center. The applicant is referred to page 13, lines 7-15; page 18, lines 4-13 and page 39, lines 2-12 of Nonaka. The Examiner had previously indicated that:

"Nonaka teaches several conditions for recording information in the portable device and in the management center. Recording information on the portable device and at the management center based on conditions such as "when a payment amount exceeds the remaining amount of the electronic money stored in said portable electronic device" is only one of a multitude of possible conditions that would have been left to the users/owners described by Nonaka since such would not affect the functioning of the system of Nonaka. Doing so would have enabled preferred usability of the system of Nonaka as all the claimed functionalities are enabled by the system of Nonaka".

Furthermore, Nonaka teaches a customer making usual payment to the central system based on a loaned amount. Thus, this clearly suggests a remaining amount, a payment amount based on the loaned amount. As a payment is being made on the loan amount, a remaining amount would have been become apparent to the ordinary skill artisan. Nonaka teaches recording data on a loan on both of a user's portable electronic device and a management center. See page 10, lines 8-21 and page 14, lines 15-22 of Nonaka. Thus, it would have been obvious to one of ordinary skill in the art to also record in the portable electronic device and the management center, information on a loan made to the user of the portable electronic device up to a predetermined limit when a payment amount exceeds the remaining amount of the electronic money stored in the portable electronic device with the motivation of maintaining all records of all transactions or a history of all transactions therein for record maintaining, reviewing and dispute resolution purposes.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP

November 5, 2005